



BILLING CODE: 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-552-801]

Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Initiation of Antidumping Duty New Shipper Reviews; 2013-2014

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce

DATES: EFFECTIVE DATE: (INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER.)

SUMMARY: The Department of Commerce (“the Department”) has received timely requests for new shipper reviews (“NSRs”) of the antidumping duty (“AD”) order on certain frozen fish fillets (“fish fillets”) from the Socialist Republic of Vietnam (“Vietnam”). The Department has determined that requests meet the statutory and regulatory requirements for initiation. The period of review (“POR”) for these NSRs is August 1, 2013, through January 31, 2014.

FOR FURTHER INFORMATION CONTACT: Steven Hampton, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: 202-482-0116.

SUPPLEMENTARY INFORMATION:

Background

The AD order on fish fillets from Vietnam was published in the *Federal Register* on August 12, 2003.¹ On February 28, 2014, pursuant to section 751(a)(2)(B)(i) of the Tariff Act of

¹ See *Notice of Antidumping Duty Order: Certain Frozen Fish Fillets From the Socialist Republic of Vietnam*, 68 FR 47909 (August 12, 2003).

1930, as amended (“the Act”), and 19 CFR 351.214, the Department received NSR requests from Nam Phuong Seafood Co., Ltd. and NTACO Corporation (together, “the requesting companies”).² The requesting companies certified that they are the producers and exporters of the subject merchandise upon which the requests are based.³

Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), the requesting companies certified that they did not export subject merchandise to the United States during the period of investigation (“POI”).⁴ In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), the requesting companies certified that, since the initiation of the investigation, they have never been affiliated with any Vietnamese exporter or producer who exported subject merchandise to the United States during the POI, including those respondents not individually examined during the investigation.⁵ As required by 19 CFR 351.214(b)(2)(iii)(B), the requesting companies also certified that their export activities were not controlled by the central government of Vietnam.⁶

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), the requesting companies submitted documentation establishing the following: (1) The date on which they first shipped subject merchandise for export to the United States; (2) the volume of their first shipment; and (3) the date of their first sale to an unaffiliated customer in the United States.⁷

² See Letter from Nam Phuong regarding Request for Bi-Annual New Shipper Review: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Review Period 8/1/13-1/31/14, dated February 28, 2014 (“Nam Phuong’s NSR Request”) and Letter from NTACO regarding Request for Bi-Annual New Shipper Review Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Review Period 8/1/13-1/31/14, dated February 28, 2014 (“NTACO’s NSR Request”).

³ See Nam Phuong’s NSR Request at Exhibit 1 and NTACO’s NSR Request at Exhibit 1.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ See Nam Phuong’s NSR Request at Exhibits 2, 3, and 4; and NTACO’s NSR Request at Exhibits 2, 3, and 4.

Finally, the Department conducted a U.S. Customs and Border Protection (“CBP”) database query and confirmed the price, quantity, date of sale, and date of entry of the requesting companies’ sales.⁸

Initiation of New Shipper Reviews

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), and based on the evidence provided by the requesting companies, we find that the requests submitted by the requesting companies meet the requirements for initiation of the NSRs for shipments of fish fillets from Vietnam produced and exported by the requesting companies.⁹ The POR is August 1, 2013, through January 31, 2014.¹⁰ Absent a determination that the case is extraordinarily complicated, the Department intends to issue the preliminary results of these NSRs within 180 days from the date of initiation and the final results within 270 days from the date of initiation.¹¹

It is the Department’s usual practice, in cases involving non-market economies (“NMEs”), to require that a company seeking to establish eligibility for an antidumping duty rate separate from the NME entity-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company’s export activities. Accordingly, we will issue questionnaires to the requesting companies that will include a section requesting information with regard to the requesting companies’ export activities for separate rate purposes. Each NSR will proceed if the responses provide sufficient indication that the requesting companies are not

⁸ The Department will place the results of the completed CBP database query along with Nam Phuong’s and NTACO’s entry documents on the record shortly after the publication of this notice.

⁹ See “Memorandum to the File, from Scot Fullerton, Program Manager, “Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: New Shipper Initiation Checklists”, dated concurrently with this notice and herein incorporated by reference.

¹⁰ See 19 CFR 351.214(g)(1)(i)(B).

¹¹ See section 751(a)(2)(B)(iv) of the Act.

subject to either *de jure* or *de facto* government control with respect to their exports of subject merchandise.

We will instruct CBP to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from the requesting companies in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because the requesting companies certified that they both produced and exported the subject merchandise, the sales of which are the basis for each new shipper review request, we will instruct CBP to permit the use of a bond only for subject merchandise which the requesting companies both produced and exported.

Interested parties requiring access to proprietary information in these NSRs should submit applications for disclosure under administrative protective order, in accordance with 19 CFR 351.305 and 19 CFR 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act, 19 CFR 351.214, and 19 CFR 351.221(c)(1)(i).

Dated: March 26, 2014.

Gary Taverman,
Senior Advisor
for Antidumping and Countervailing Duty Operations.

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